

**REMARKS**

This Amendment, submitted in response to the Office Action dated July 27, 2005, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 6, 7 and 21-33 are all the claims pending in the application.

**I. Claim Objections**

The Examiner objected to claim 26 for informalities. Applicant has corrected the informality as suggested by the Examiner. Consequently, Applicant respectfully requests that the objection to claim 26 be withdrawn.

**II. Claim Rejections under 35 U.S.C. § 102**

Claims 6, 7, 21, 22, 25-29 and 31-33 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Stimpson (U.S. Patent No. 6,037,186) in view of Hayes et al. (U.S. Patent No. 4,877,745).

The Examiner asserts that Stimpson teaches the aspects of claims 6 and 26. However, as previously indicated, Stimpson teaches away from the present invention. For example, in col. 2, lines 49-51, Stimpson discloses that “since elements of the array are formed by the application of a DNA solution to the surface of the array the process is relatively slow.” This is contrary to the present invention in which binding agents are applied to the surface of a substrate.

Consequently, it is unlikely that one of skill in the art would apply the teachings of the Stimpson reference in order to teach the claimed recitations.

Claim 6 recites:

"a plurality of applicators arranged at predetermined interval in a first direction relative to a sheet-like substrate...a conveyor which conveys the plurality of applicators or the sheet-like substrate relative to each other in a second direction which is substantially perpendicular to the first direction while the applicators apply the plurality of known specific binding agents, thereby applying the plurality of known specific binding agents in lines which extend in the second direction and are arranged at predetermined intervals in the first direction..."

Therefore, the claimed **applicators** apply a reagent in lines in the longitudinal direction of the strip-like substrate. The Examiner cites Hayes for teaching the claimed applicators, however, Hayes merely indicates the use of, for example, reagent jetting heads. There is no indication that the reagent jetting heads of Hayes or that the liquid application of Stimpson, are arranged and conveyed, as recited in claim 6. Furthermore, in Stimpson, the reagent is applied in a direction perpendicular to a longitudinal direction of the 21.5 foot sheet (See Fig. 2C). Assuming *arguendo*, applicators are disclosed in Stimpson, there is no indication that such applicators would apply a reagent in the longitudinal direction of the strip-like substrate.

The claims further recite "a cutting means which cuts the sheet-like substrate bearing thereon the plurality of specific binding agents **in the first direction** into a plurality of strips." There is no indication that the razor of Stimpson cuts a sheet-like substrate in a first direction into a plurality of strips.

In response to Applicant's argument that the functional language must be given due consideration, the Examiner now appears to be asserting that it is inherent that the applicators as

taught in Hayes and Stimpson function like the claimed applicator. However, as indicated above, in Stimpson, the reagent is applied in a direction perpendicular to a longitudinal direction of the 21.5 foot sheet (See Fig. 2C). Assuming *arguendo*, applicators are disclosed in Stimpson, there is no indication that such applicators would apply a reagent in the longitudinal direction of the strip-like substrate. See also Applicant's claim 33. Therefore, contrary to the Examiner's assertions, it is not inherent that the applicators of Hayes and Stimpson, function as claimed. Moreover, the burden is upon the Examiner, not the Applicant, to establish that the cited references teach the claimed limitations.

The Examiner further asserts that "[if] the specification defines what is meant by the limitation for the purposes of the claimed invention, the examiner should interpret the limitation as having that meaning. If no definition is provided, some judgment must be exercised in determining the scope of the limitation," citing MPEP 2182 in support. The Examiner also states that "since the specification does not define 'applicator means' and claim 26 only required that a plurality of applicator means are arranged at predetermined interval[s] in a first direction" that the combination of Stimpson and Hayes therefore teaches the claimed applicator means and conveyor means. Applicant directs the Examiner's attention to, for example, page 16, line 26 to page 18, line 4 of Applicant's specification, which describes the claimed applicator means and conveyor means. Consequently, upon viewing specification and its corresponding description in the drawings, it is apparent that the combination of Stimpson and Hayes does not teach the claimed applicator means and conveyor means.

For at least the above reasons, claims 6 and 26 and their dependent claims should be deemed allowable.

**III. Rejection of claims 23 and 24 under 35 U.S.C. § 103**

Claims 23 and 24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Stimpson in view of Hayes and further in view of Shuminov (U.S. Patent No. 5,808,554).

Claims 23 and 24 should be deemed allowable by virtue of their dependency to claim 6 for the reasons set forth above. Moreover, Shuminov does not cure the deficiencies of Stimpson and Hayes.

**IV. Rejection of claim 30 under 35 U.S.C. § 103**

Claim 30 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Stimpson in view Hayes and Shuminov and further in view of Biedermann et al.(U.S. Patent No. 4,881,439).

Claim 30 recites “wherein said guide rail forms an upper body portion of said cutting means.” The Examiner concedes that Stimpson, Hayes, and Shuminov do not teach this aspect of the claim and cites Biedermann to cure the deficiency. In particular, the Examiner asserts that Biedermann teaches a guide rail located on an upper body portion of a cutting means, therefore, the combination of Biedermann with Stimpson, Hayes, and Shuminov would be obvious so as to provide a holder for the cutting means.

The Examiner cited Shuminov guide rail 50 for teaching the claimed guard rail and cited the razor of Stimpson for teaching the claimed cutting means. See Office Action at page 7.

However, Stimpson col. 14, lines 51-60, describes that the spiral bundle is placed inside a **metal tube** whose inner diameter is slightly larger than the outer diameter of the bundle. The bundle is allowed to extend from the end of the metal tube and an array slab was cut with a razor blade using the **metal tube** as a guide to obtain a uniform straight cut. Therefore, it is unlikely that one of skill in the art would modify the cutting guide of Stimpson to include the guide rail 50 of Shuminov or the guide rail of Biedermann.

Moreover, upon viewing the illustration of guide rail 50 of Shuminov (see Fig. 4a) it is unlikely that one of skill in the art would modify the guide rail 50 of Shuminov to form an upper body portion of the cutter 51 of Shuminov or that the guide rail 50 of Shuminov would be modified to include the guide rail 15 of Biedermann. In particular, such a modification would result in a substantial modification of the principle of operation of Shuminov.

For at least the above reasons, claim 30 should be deemed allowable.

## **V. Conclusion**

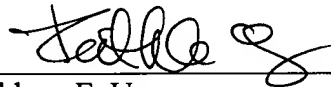
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.116  
Appln. No.: 09/373,585

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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